

**Remarks**

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1-18 are pending. Claims 1-3 and 10-12 are amended. Support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and therefore no new matter is added.

In the Office Action claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,954 to Khan et al. (Khan) in view of U.S. Patent No. 5,504,939 to Mayrand et al. (Mayrand). It is requested that the rejection be withdrawn, and that the claims be allowed, for the following reasons.

The present invention, as set forth in independent claim 1, is directed to an acceptance control apparatus used in a radio communication system. Specifically, independent claim 1 recites a receiving part which receives a connection request signal and a required communication quality value from a new terminal establishing a new connection. A request quality holding part holds required communication quality values on terminals for each connection that has been accepted. A determination part determines acceptance/refusal of the connection for the new terminal.

Khan is directed to methods and systems for mode selection based on access network capacity. As shown in Figure 3, for example, of Khan, at step 40 a new call request is received by the system. A transmission mode is selected by the system based on, for example, the radio channel conditions and throughput requested for the connection. The system also checks, at step 42, whether the access network has sufficient capacity to accommodate the new call. If so, the request is accepted, at step 44, resources are allocated

on the access network, and the connection is established using the transmission mode selected in step 40. If sufficient access network resources are not available, resources are released by reducing the information rates of ongoing calls, at step 46. Alternatively, the information rate of the new call is reduced to fit within the remaining capacity of the access network, for example by changing the initial selected transmission mode to a new transmission mode having a lower information rate.<sup>1</sup>

Khan does not disclose or render obvious, however, the claimed features of a determination part that determines acceptance/refusal of a connection for a new terminal, as recited in independent claim 1. Rather, as discussed above, Khan does not disclose refusing the new call. Instead, in Khan the new call is accepted, whether at the initially selected transmission mode or the new transmission mode, and whether or not the information rates of ongoing calls are reduced.

Mayrand is directed to communication channel selection in cellular radio communication systems. As shown in Figure 3, for example, of Mayrand, receipt of a communication channel seizure request, at step 21, is followed by a call type determination, at 22. Then, based upon that determination of the call type at 22, communication channel selection, at 23, of a suitable communication channel from the available pool of communication channels 24 occurs. The selected channel is assigned, at 25, and the call is set up for communication.<sup>2</sup> Based upon the result of the comparison of the call with various pre-defined sets of call types, a call type which best represents the complete characteristics of the communication channel seizure request is selected by the system at 22.<sup>3</sup>

Mayrand also does not disclose or render obvious, however, the claimed features of a determination part that determines acceptance/refusal of a connection for a new terminal, as

---

<sup>1</sup> Column 5, lines 14-40.

<sup>2</sup> Column 6, lines 21-33.

<sup>3</sup> From column 6, line 65 to column 7, line 2.

recited in independent claim 1. Rather, as discussed above, in Mayrand the call is not refused. Instead, the call type is determined such that the communication channel can be selected based on the call type.

For these reasons, it is submitted that the combination of Khan and Mayrand does not disclose or render obvious the claimed features recited in independent claim 1. Therefore, it is requested that the rejection of independent claim 1 be withdrawn, and that independent claim 1 be allowed.

Independent claims 2, 3 and 10-12 are allowable for reasons similar to those discussed above with respect to independent claim 1. Therefore, allowance of independent claims 2, 3, and 10-12, as well as claims 4-9 and 13-18 depending therefrom, is requested.

Notwithstanding the above discussion, which provides adequate grounds for the allowance of the claims, it is submitted that the claims recite further features that are not disclosed or rendered obvious by the references of record in the application.

For example, neither Khan nor Mayrand, whether alone or in combination, discloses the specific claimed procedures of obtaining an available communication quality value from required communication quality values of terminals currently connected and held by a request quality holding part and a maximum permissible communication quality value of a radio communication system, as recited in independent claim 1. In contrast, Mayrand discloses characteristics of the pre-defined set of call types with which the characteristics of the request are compared. Further, Khan does not remedy these deficiencies of Mayrand.

Further, the combination of Khan and Mayrand also does not disclose or render obvious the claimed features of conditionally accepting, when an available communication quality value satisfies a required communication quality value of a new terminal, connection for the new terminal. In contrast, Khan discloses reducing the information rate of the new or ongoing calls, so that the new call is accepted under all circumstances.

It is submitted that the foregoing provides alternate grounds for the allowance of independent claim 1, as well as claims 2-18 that recite similar features.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Philip Hoffmann  
Registration No. 46,340